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**From:** Groy, Jeff [Jeff.Groy@cbs.com]  
**Sent:** 3/4/2015 7:42:37 PM  
**To:** Lieben, Ivan [Lieben.Ivan@epa.gov]  
**Subject:** Re: Emeryville Site - TSCA Consent Agreement and Final Order

Ivan -

Sorry for not responding sooner. I thought I had sent you an e-mail.

I think this e-mail provides sufficient comfort to us. If we need anything else, I will let you know. Thank you.

For your information, we have received the bids for the project and have a projected start date for the work of May 2015. I will keep you posted as the project progresses.

Best regards,

Jeff

Jeffrey B. Groy  
Vice President, Senior Counsel/Environmental  
CBS Law Department  
CBS Corporation  
**2 East Mifflin Street, Suite 200**  
**Madison, WI 53703**  
**Work/Cell: 262-705-0579**  
**E-mail: jeff.groy@cbs.com**

On Feb 9, 2015, at 3:34 PM, Lieben, Ivan <Lieben.Ivan@epa.gov> wrote:

Hi Jeff --

Thank you for your email. I was out for a few weeks taking care of my wife (knee surgery) around the holidays, so thank you for the reminder to look at this.

Yes, as we discussed, CAFOs are essentially one time (or short term) requirements that do not run with the land, so any new owner would not be subject to them. And, as you noted, the work under them terminates after a reasonable period of time. More or less, it is like a cleanup order or work order. Because of the type of document it is, we do not have a practice of terminating CAFOs, as typically there is no need to do so.

Should we have a quick call to discuss this and any other concerns you or your client may have about the CAFO and its terms?

Thank you,

Ivan Lieben, Assistant Regional Counsel  
U.S. EPA Region 9, 75 Hawthorne Street  
San Francisco, CA 94105  
(415) 972-3914

This email, including attachments, may contain information that is confidential and/or protected by the attorney/client or other privileges.

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**From:** Groy, Jeff [<mailto:Jeff.Groy@cbs.com>]  
**Sent:** Thursday, January 29, 2015 7:14 AM  
**To:** Lieben, Ivan  
**Cc:** Cepko, Russ P; Leo Brausch  
**Subject:** Re: Emeryville Site - TSCA Consent Agreement and Final Order

Ivan -

Good morning.

I'm writing to follow-up on the e-mail I sent you on December 19 relating to the Mound Parcel Consent Agreement and Final Order. I wanted to see if you concurred with my conclusion that the EPA can terminate the CAFO once we complete the work under the RDIP. Thanks!

Jeff

On Dec 19, 2014, at 1:10 PM, Groy, Jeff <[Jeff.Groy@cbs.com](mailto:Jeff.Groy@cbs.com)> wrote:

Ivan -

Thank you for speaking with me this week. I hope your move was successful and that you are getting a chance to unpack.

I have reviewed the Mound Parcel Consent Agreement and Final Order and you are correct. There is no language in the CAFO that pertains to the document running with the land or applying to or is binding on subsequent landowners.

In addition, I note in Section VII that the "obligations of Respondent under this Consent Agreement and Order will cease upon completion of the implementation of the remedial plans and the post-cleanup PCB monitoring program provided for herein." We believe that the obligations under the CAFO are complete or are superseded by the work we will be undertaking in several months under the RDIP. Specifically, the remedial plans under the CAFO are finished. In addition, the long-term monitoring that was established by the CAFO is done (and a new long-term monitoring program will be established as part of the upcoming work under the RDIP, which EPA has approved). Therefore, we believe that any obligations CBS had under the CAFO will cease once we commence the work under RDIP. So, we respectfully request that EPA terminate the CAFO. Please let me know what I can do to make this happen. Thank you.

Jeff

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